

AMENDMENTS

1966—Subsec. (b). Pub. L. 89-718 added "and" at the end of clause (3).

1965—Subsec. (b). Pub. L. 89-51 inserted ", and designated applicants for membership in," after "members of" in pars. (1)—(4).

EFFECTIVE DATE OF 1965 AMENDMENT

Section 4 of Pub. L. 89-51 provided that: "The effective date of this Act [which amended subsec. (b) of this section and section 209 of Title 37, Pay and Allowances of the Uniformed Services, and enacted provisions set out as a note under section 2107 of this title] is October 13, 1964."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 37 section 209.

§ 2110. Logistical support.

(a) The Secretary of the military department concerned may issue to institutions having units of the program, or to the officers of the armed force concerned who are designated as accountable or responsible for such property—

(1) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and educational materials; and

(As amended Pub. L. 89-718, § 18, Nov. 2, 1966, 80 Stat. 1118.)

AMENDMENTS

1966—Subsec. (a) (1). Pub. L. 89-718 substituted "educational" for "education".

Chapter 133.—FACILITIES FOR RESERVE COMPONENTS

§ 2233. Acquisition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2237 of this title.

§ 2237. Supervision of construction: compliance with State law.

(a) Any construction, expansion, rehabilitation, or conversion under any provision of this chapter except section 2233(a) (2), (3), and (4) of this title may be performed under the supervision of the Chief of Engineers of the Army or the head of such office or agency in the Department of the Navy as the Secretary of the Navy may designate.

(As amended Nov. 2, 1966, Pub. L. 89-718, § 19, 80 Stat. 1118.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-718 substituted "the head of such office or agency in the Department of the Navy as the Secretary of the Navy may designate" for "the Chief of the Bureau of Yards and Docks of the Navy".

Chapter 135.—ENCOURAGEMENT OF AVIATION

§ 2276. Inspection and audit of plant and books of contractor; criminal provisions.

EXEMPTION OF FUNCTIONS

Functions with respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, as exempt, see Ex. Ord. No. 11223, May 12, 1965, 30 F.R. 6635, set out as a note under section 2393 of Title 22, Foreign Relations and Intercourse

Chapter 137.—PROCUREMENT GENERALLY

§ 2304. Purchases and contracts: advertising; exceptions.

AWARD OF CONTRACTS THROUGH FORMAL ADVERTISING AND COMPETITIVE BIDDING WHERE PRACTICABLE

Pub. L. 90-5, title III, § 304, Mar. 10, 1967, 81 Stat. 6, provided that: "The Secretary of Defense is hereby directed that insofar as practicable all contracts shall be formally advertised and awarded on a competitive bid basis to the lowest responsible bidders."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2310 of this title.

§ 2306. Kinds of contracts.

COST-TYPE RESEARCH AND DEVELOPMENT CONTRACTS WITH EDUCATIONAL INSTITUTIONS

Pub. L. 87-638, Sept. 5, 1962, 76 Stat. 437, set out as a note under this section, is transferred to section 254a of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2310 of this title.

§ 2307. Advance payments.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2310 of this title.

§ 2310. Determinations and decisions.

(b) Each determination or decision under clauses (11)—(16) of section 2304(a), section 2306(c), section 2307(c), or section 2313(c) of this title and a decision to negotiate contracts under clauses (2), (7), (8), (10), (12), or for property or supplies under clause (11) of section 2304(a), shall be based on a written finding by the person making the determination or decision, which finding shall set out facts and circumstances that (1) are clearly illustrative of the conditions described in clauses (11)—(16) of section 2304(a), (2) clearly indicate why the type of contract selected under section 2306(c) is likely to be less costly than any other type or that it is impracticable to obtain property or services of the kind or quality required except under such a contract kind or quality required except under such a contract, (3) clearly indicate why advance payments under section 2307(c) would be in the public interest, (4) clearly indicate why the application of section 2313(b) to a contract or subcontract with a foreign contractor or foreign subcontractor would not be in the public interest, or (5) clearly and convincingly establish with respect to the use of clauses (2), (7), (8), (10), (12), and for property or supplies under clause (11) of section 2304(a), that formal advertising would not have been feasible and practicable. Such a finding is final and shall be kept available in the agency for at least six years after the date of the determination or decision. A copy of the finding shall be submitted to the General Accounting Office with each contract to which it applies. (As amended Sept. 27, 1966, Pub. L. 89-607, § 1(1), 80 Stat. 850.)

AMENDMENTS

1966—Subsec. (b). Pub. L. 89-607 included reference to section 2313(c), added clause (4) and redesignated former clause (4) as (5).

§ 2313. Examination of books and records of contractor.

(b) Except as provided in subsection (c), each contract negotiated under this chapter shall provide